Case 19-12809-JKS Doc 977 Filed 11/07/19 Entered 11/07/19 12:57:33 Desc Main Document Page 1 of 17

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

In re:	Chapter 11	
NEW ENGLAND MOTOR FREIGHT, INC., et al.,	Case No. 19-12809 (JKS)	
Debtors. 1	(Jointly Administered)	

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)	
)	ss:
COUNTY OF KINGS)	

I, Edward A. Calderon, declare:

- 1. I am over the age of 18 years and not a party to these chapter 11 cases.
- 2. I am employed by Donlin, Recano & Company, Inc., ("DRC"), 6201 15th Avenue, Brooklyn, NY 11219.
- 3. On the 5th day of November, 2019, DRC, at my direction and under my supervision, caused to serve the following documents:
 - a) Order Shortening Time Period for Notice Setting Hearing and Limiting Notice (Attached hereto as Exhibit 1);
 - b) Joint Motion by the Debtors and the Putative Class Representative Seeking Entry of Orders; Preliminarily Approving a Settlement Agreement, (II) Certifying a Warn Class for Settlement Purposes Only, (III) Appointing Class Counsel and a Class Representative, (IV) Approving the Form and Manner of Notice to Class Members of the Class Certification and Settlement, (V) Scheduling a Fairness Hearing to Consider Final Approval of the Settlement Agreement, (VI) Approving The Settlement Agreement on a Final Basis after the Fairness Hearing, and (VII) Granting Related Relief (Docket No. 964);
 - c) Application for Order Shortening Time (Docket No. 965); and

The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

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d) Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice (Docket No. 968),

via electronic mail upon the parties as set forth on <u>Exhibit 2</u>, and via First Class U.S. Mail upon the parties as set forth in <u>Exhibit 3</u>, attached hereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed this 6th day of November, 2019, Brooklyn, New York.

By Calderon Edward A Calderon

Sworn before me this 6th day of November, 2019

Notary Public

SUNG JAE KIM
NOTARY PUBLIC STATE OF NEW YORK
QUEENS COUNTY
LIC. #01KI6211176
MY COMM. EXP. SEPTEMBER 14, 2021

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

GIBBONS P.C.

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Mark B. Conlan, Esq.

Brett S. Theisen, Esq.

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Telephone: (973) 596-4500 Facsimile: (973) 596-0545

Counsel to the Debtors

and Debtors-in-Possession

In re:

New England Motor Freight, Inc., et al., 1

Debtors.

ALICE WATERS and RICH RICHARDSON, individually and on behalf of all others similarly situated,

Plaintiffs,

V.

NEW ENGLAND MOTOR FREIGHT, INC., et al.,

Defendants.

FILED JEANNE A. NAUGHTON, CLERK NOV 0 5 2019

U.S. BANKRUPTCY COURT NEWARK, N.J.

Case No. 19-12809 (JKS)

Chapter 11

Hon. John K. Sherwood, U.S.B.J.

Adv. Proc. No. 19-01163 (JKS)

ORDER SHORTENING TIME PERIOD FOR NOTICE, SETTING HEARING AND LIMITING NOTICE

The relief set forth on the following page is hereby **ORDERED**.

HONORABLE JOHN K. SHERWOOD UNITED STATES BANKRUPTCY JUDGE

Dated: November 5, 2019

¹ The Debtors in these Chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); Mylon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

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Debtors: New England Motor Freight, Inc., et al.

Case No.: 19-12809 (JKS)

Caption: Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice

After review of the application of Mark B. Conlan, Esq. for a reduction of time for a hearing under FED. R. BANKR. P. 9006(c)(1) on the Motion of New England Motor Freight, Inc. and its affiliated debtors in the above-captioned chapter 11 cases (the "**Debtors**") for an Order on the Joint Motion by the Debtors and the Putative Class Representative Seeking Entry of Orders regarding a Settlement Agreement.

ORDERED as follows:

- 1. A hearing will be conducted on the matter on November 12, 2019 at 10:00 a.m/pxxx (the "Hearing Date") in the United States Bankruptcy Court for the District of New Jersey, Martin L. King, Jr. Federal Building, 50 Walnut Street, 3d Floor, Newark, NJ 07102, Courtroom No. 3D.
- 2. The applicant must serve copies of this Order, the Application and the Motion upon: the Office of the United States Trustee, counsel for Official Committee of Unsecured Creditors, and counsel to each of the Debtors' secured equipment lenders by electronic mail immediately upon entry of this Order. Electronic notice via ECF of entry of this Order shall also be provided to all parties that have requested notice pursuant to FED. R. BANKR. P. 2002 in the above-captioned chapter 11 cases.
 - 3. A Certification of Service must be filed prior to the Hearing Date.
 - 4. Any objections to the Motion identified above may be presented at the hearing.
- 5. Court appearances are required to prosecute the Motion and any objections thereto. Parties may request to appear by phone by contacting Chambers no later than 3:00 axmx/p.m. on November 8, 2019.

EXHIBIT 2

Case 19-12809-JKS Doc 977 Filed 11/07/19 Entered 11/07/19 12:57:33 Desc Main New England Moltage Ereight, Inc., et al. Electronic Mail

Exhibit Pages

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New England MotorgErsight, Inc., et al. Electronic Mail

Exhibit Pages

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New England Motog Freight, Inc., et al.

Electronic Mail Exhibit Pages

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New England Motograficiont, inc., et al.
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Exhibit Pages

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EXHIBIT 3

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000088P001-1413S-195 AAA COOPER TRANSPORTATION TIFFANY ENGELHUBER 1751 KINSEY ROAD DOTHAN AL 36303	000148P001-1413S-195 ANTHONY G ROSS, ESQ 126 SOUTH MAIN STREET PITTSTON PA 18640	000068P001-1413S-195 BENESCH FRIEDLANDER COPLAN & ARONOFF LLP KEVIN M CAPUZZI CONTINENTAL PLAZA II 411 HACKENSACK AVE.,3RD FLOOR HACKENSACK NJ 07601-6323	000072P001-1413S-195 CAB EAST LLC,SERVICED BY FORD MOTOR CREDIT CO.,LLC NATIONAL BANKRUPTCY SERVICE CENTER P O BOX 62180 COLORADO SPRINGS CO 80921
000077P001-1413S-195 CHIESA SHAHINIAN & GIANTOMASI PC BETH J ROTENBERG,ESQ ONE BOLAND DRIVE WEST ORANGE NJ 07052	000078P001-1413S-195 CHIESA SHAHINIAN & GIANTOMASI PC FRANK PERETORE,ESQ ONE BOLAND DRIVE WEST ORANGE NJ 07052	000085P001-1413S-195 CHIESA SHAHINIAN & GIANTOMASI PC ROBERT E NIES,ESQ ONE BOLAND DRIVE WEST ORANGE NJ 07052	000108P002-1413S-195 CHIESA SHAHINIAN & GIANTOMASI PC MICHAEL R CARUSO; ROBERT HORNBY ONE BOLAND DRIVE WEST ORANGE NJ 07052
000149P001-1413S-195 CHIESA SHAHINIAN & GIANTOMASI PC SCOTT W LICHTENSTEIN, ESQ ONE BOLAND DRIVE WEST ORANGE NJ 07052	000081P001-1413S-195 COLE SCHOTZ PC MICHAEL D SIROTA,ESQ COURT PLAZA NORTH 25 MAIN ST HACKENSACK NJ 07601	000082P001-1413S-195 COLE SCHOTZ PC JACOB S FRUMKIN,ESQ COURT PLAZA NORTH 25 MAIN ST HACKENSACK NJ 07601	000104P001-1413S-195 CONNELL FOLEY LLP ROBERT K SCHEINBAUM,ESQ 56 LIVINGSTON AVE ROSELAND NJ 07068
000127P001-1413S-195 COOLEY LLP RICHARD S KANOWITZ;EVAN M LAZEROWITZ 55 HUDSON YARDS NEW YORK NY 10001	000147P001-1413S-195 CULLEN AND DYKMAN LLP DAVID EDELBERG, ESQ. 433 HACKENSACK AVE 12TH FL HACKENSACK NJ 07601	000126P001-1413S-195 D'ARCY JOHNSON DAY RICHARD J ALBUQUERQUE,ESQ 3120 FIRE ROAD STE 100 EGG HARBOR TOWNSHIP NJ 08234	000109P003-1413S-195 DAIMLER TRUST C/O BK SERVICING, LLC ED GEZEL, AGENT P O BOX 131265 ROSEVILLE MN 55113-0011
000012P001-1413S-195 DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF RECORDS ACCESS ATTN: BANKR. COORDINATOR PO BOX 402 MAIL CODE 401-06Q TRENTON NJ 08625-0402	000075P001-1413S-195 DILWORTH PAXSON LLP SCOTT J FREEDMAN 457 HADDONFIELD ROAD STE 700 CHERRY HILL NJ 08002	000103P001-1413S-195 DINSMORE & SHOHL LLP GRACE WINKLER CRANLEY,ESQ 227 WEST MONROE ST.,STE 3850 CHICAGO IL 60606	000100P001-1413S-195 DREIFUSS BONACCI & PARKER PC JOANNE M BONACCI 26 COLUMBIA TURNPIKE STE 101 NORTH ENTRANCE FLORHAM PARK NJ 07932
000101P001-1413S-195 DREIFUSS BONACCI & PARKER PC PAUL M MCCORMICK,ESQ 26 COLUMBIA TURNPIKE STE 101, NORTH ENTRANCE FLORHAM PARK NJ 07932	000087P003-1413S-195 ELLIOT GREENLEAF R X ZAHRALDDIN- ARAVENA;JONATHAN M STEMERMAN SARAH DENIS 1105 MARKET ST STE 1700 WILMINGTON DE 19801	000008P001-1413S-195 ENVIRONMENTAL PROTECTION AGENCY REGION 2 290 BROADWAY 17TH FLOOR NEW YORK NY 10007-1866	000020P001-1413S-195 FRESHFIELDS BRUCKHAUS DERINGER MARK F LISCIO 601 LEXINGTON AVE 31ST FLOOR NEW YORK NY 10022
000063P002-1413S-195 FRESHFIELDS BRUCKHAUS DERINGER MARK LISCIO; NEAL MODI; S. TALMADGE 601 LEXINGTON AVE, 31ST FL NEW YORK NY 10022	000084P001-1413S-195 FROST BROWN TODD LLC MARK A PLATT 100 CRESCENT COURT STE 350 DALLAS TX 75201	000017P001-1413S-195 GEBHARDT & SMITH LLP JAMES M SMITH ONE SOUTH STREET SUITE 2200 BALTIMORE MD 21202-3281	000061P002-1413S-195 GEBHARDT & SMITH LLP DAVID V FONTANA, ESQ ONE SOUTH ST STE 2200 BALTIMORE MD 21202-3281

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000073P002-1413S-195 GEBHARDT & SMITH LLP LISA BITTLE TANCREDI ONE SOUTH ST STE 2200 BALTIMORE MD 21202-3281	000074P001-1413S-195 GEBHARDT & SMITH LLP LISA BITTLE TANCREDI 1000 N WEST STREET SUITE 1200 WILMINGTON DE 19801	000112P002-1413S-195 GEBHARDT & SMITH LLP DAVID FONTANA, ESQ. ONE SOUTH ST STE 2200 BALTIMORE MD 21202-3281	000019P001-1413S-195 GREENBERG TRAURIG LLP ALAN J BRODY, ESQ 500 CAMPUS DR, STE 400 SUITE 400 FLORHAM PARK NJ 07932-0677
000090P001-1413S-195 GUTTMAN OIL CO. GREGORY J. CREIGHAN 200 SPEERS STREET BELLE VERNON PA 15012	000083P001-1413S-195 HINMAN HOWARD & KATTELL LLP KEVIN J BLOOM,ESQ PARK 80 WEST -PLAZA II 250 PEHLE AVE STE 200 SADDLE BROOK NJ 07663-5834	000027P001-1413S-195 IAM NATIONAL PENSION FUND RYK TIERNEY EXEC DIR AND RAYMOND GOAD JR GC 1300 CONNECTICUT AVE STE 300 WASHINGTON DC 20036	000004P001-1413S-195 INTERNAL REVENUE SERVICE PO BOX 7346 PHILADELPHIA PA 19101-7346
000005P001-1413S-195 INTERNAL REVENUE SERVICE 2970 MARKET STREET MAIL STOP 5-Q30.133 PHILADELPHIA PA 19104-5016	000076P001-1413S-195 JM PARTNERS LLC JOHN MARSHALL 6800 PARAGON PLACE STE 202 RICHMOND VA 23230-1656	000125P001-1413S-195 KIM CHO & LIM LLC JOSHUA S LIM,ESQ 460 BERGEN BOULEVARD STE 305 PALISADES PARK NJ 07650	000079P001-1413S-195 KLEHR HARRISON HARVEY BRANZBURG LLP CHARLES A ERCOLE;RONA J ROSEN 10000 LINCOLN DRIVE EAST STE 201 MARLTON NJ 08053
000129P001-1413S-195 KML LAW GROUP PC REBECCA A SOLARZ,ESQ 216 HADDON AVENUE STE 406 WESTMONT NJ 08108	000124P001-1413S-195 KML LAW GROUP, P.C. KEVIN G. MCDONALD, ESQ. 216 HADDON AVE STE 406 WESTMONT NJ 08108	000089P001-1413S-195 LANDSTAR TRANSPORTATION LOGISTICS, INC. SPRYTE KIMMEY 13410 SUTTON PARK DR S JACKSONVILLE FL 32224	000146P001-1413S-195 LAW FIRM OF BRIAN W HOFMEISTER LLC BRIAN W HOFMEISTER, ESQ 3131 PRINCETON PIKE BUILDING 5,STE 110 LAWRENCEVILLE NJ 08648
000130P001-1413S-195 LAW OFFICES OF KENNETH L BAUM LLC KENNETH L BAUM,ESQ 167 MAIN STREET HACKENSACK NJ 07601	000086P001-1413S-195 LOWENSTEIN SANDLER LLP MARY E SEYMOUR;JOSEPH J DIPASQUALE ONE LOWENSTEIN DRIVE ROSELAND NJ 07068	000099P001-1413S-195 MAYNARD O'CONNOR SMITH & CATALINOTTO LLP JUSTIN W GRAY,ESQ 6 TOWER PLACE ALBANY NY 12203	000059P002-1413S-195 MCCARTER & ENGLISH LLP PETER M. KNOB, ESQ. FOUR GATEWAY CENTER 100 MULBERRY ST NEWARK NJ 07102
000060P002-1413S-195 MCCARTER & ENGLISH LLP JOSEPH LUBERTAZZI JR., ESQ FOUR GATEWAY CENTER 100 MULBERRY ST NEWARK NJ 07102	000022P001-1413S-195 MCCARTER & ENGLISH, LLP PETER KNOB 100 MULBERRY STREET FOUR GATEWAY CENTER NEWARK NJ 07102	000070P002-1413S-195 MCELROY DEUTSCH ET AL GARY D BRESSLER, ESQ 300 DELAWARE AVE STE 770 WILMINGTON DE 19801	000069P002-1413S-195 MCELROY DEUTSCH MULVANEY VIRGINIA T SHEA, ESQ 1300 MOUNT KEMBLE AVE MORRISTOWN NJ 07962
000093P003-1413S-195 MCMANIMON, SCOTLAND BAUMANN ANTHONY SODONO, III; SARI PLACONA 75 LIVINGSTON AVE STE 201 ROSELAND NJ 07068	000071P001-1413S-195 MORTON & CRAIG LLC JOHN R MORTON JR, ESQ 110 MARTER AVE STE 301 MOORESTOWN NJ 08057	000067P001-1413S-195 MYRON SHEVELL C/O NEW ENGLAND MOTOR FREIGHT INC ZACHARY W. COHEN 1-71 NORTH AVENUE E ELIZABETH NJ 07201	000009P002-1413S-195 NEW JERSEY ATTORNEY GENERAL OFFICE DIVISION OF LAW RICHARD J. HUGHES JUSTICE COMPLEX 25 MARKET ST TRENTON NJ 08625-0112

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000010P002-1413S-195 000011P001-1413S-195 000150P002-1413S-195 000154P001-1413S-195 NEW JERSEY DIVISION OF TAXATION NEW JERSEY MOTOR VEHICLE COMMISSION NEW YORK STATE DEPARTMENT OF LABOR NEW YORK STATE ATTORNEY GENERAL COMPLIANCE & ENFORCEMENT UNIT ADMINISTRATIVE UNIT JESSICA AGARWAL, ASST ATTORNEY GENERAL LABOR BUREAU OFFICE OF THE ATTORNEY GENERAL BANKRUPTCY UNIT 225 EAST STATE STREET 120 BROADWAY 50 BARRACK STREET, 9TH FLOOR TRENTON NJ 08666 28 LIBERTY STREET NEW YORK NY 10271 TRENTON NJ 08695-0267 NEW YORK NY 10005 000106P001-1413S-195 000107P001-1413S-195 000080P001-1413S-195 000102P001-1413S-195 OFFICE OF UNEMPLOYMENT COMPENSATION TAX SERVICES NORRIS MCLAUGHLIN PA NORRIS MCLAUGHLIN PA PA DEPT OF REVENUE MORRIS S BAUER, ESQ CATHERINE L COREY, ESQ DEB SECREST.AUTHORIZED AGENT DENISE A KUHN, SEN DEPUTY ATTORNEY GEN 400 CROSSING BOULEVARD,8TH FLOOR 400 CROSSING BOULEVARD, 8TH FLOOR PA-DEPT OF LABOR & INDUSTRY THE PHOENIX BUILDING BRIDGEWATER NJ 08807 BRIDGEWATER NJ 08807 COLLECTIONS SUPPORT UNIT 1600 ARCH ST., STE 300 851 BOAS ST RM 702 PHILADELPHIA PA 19103 HARRISBURG PA 17121 000095P001-1413S-195 000098P001-1413S-195 000066P001-1413S-195 000096P001-1413S-195 PA- DEPT OF ENVIRONMENTAL PROTECTION PRICE MEESE SHULMAN & D'ARMINIO PC REED SMITH LLP RIKER DANZIG SCHERER HYLAND & PERRETTI LLP BRIAN GLASS, OFFICE OF THE CHIEF COUNSEL JOSEPH L SCHWARTZ:MICHAEL TRENTIN RICK A STEINBERG, ESO CHRISTOPHER A. LYNCH SOUTHEAST REGIONAL COUNSEL 50 TICE BOULEVARD STE 380 599 LEXINGTON AVE HEADQUARTERS PLAZA 2 EAST MAIN ST WOODCLIFF LAKE NJ 07677 NEW YORK NY 10022 ONE SPEEDWELL AVE NORRISTOWN PA 19401-4915 MORRISTOWN NJ 07962-1981 000006P001-1413S-195 000091P001-1413S-195 000018P001-1413S-195 000094P002-1413S-195 SECURITIES EXCHANGE COMMISSION SHIPMAN & GOODWIN LLP SQUIRE PATTON BOGGS SQUIRE PATTON BOGGS (US) LLP NEW YORK REGIONAL OFFICE ERIC S GOLDSTEIN.ESO NORMAN N KINEL NORMAN N KINEL, ESO ATTN: ANDREW CALAMARI, REGIONAL DIRECTOR ONE CONSTITUTIONAL PLAZA 30 ROCKEFELLER PLAZA 30 ROCKEFELLER PLAZA, 23RD FL BROOKFIELD PLACE HARTFORD CT 06103 NEW YORK NY 10112 NEW YORK NY 10112 200 VESSEY STREET, SUITE 400 NEW YORK NY 10281-1022 000119P001-1413S-195 000035P002-1413S-195 000128P001-1413S-195 000055P001-1413S-195 STEPHEN B. GROW, ESO. SUPERIOR DISTRIBUTORS CO. INC THOMPSON O'BRIEN KEMP & NASUTI PC TROUTMAN SANDERS WARNER NORCROSS + JUDD LLP MARLENE: RICHARD KLEIN ALBERT F NASUTI.ESO LOUIS CURCIO 40 TECHNOLOGY PARKWAY SOUTH, STE 300 875 THIRD AVENUE 111 LYON ST NW # 900 4 MIDLAND AVE GRAND RAPIDS MI 49503 ELMWOOD PARK NJ 07407 PEACHTREE CORNERS GA 30092 NEW YORK NY 10022 000092P001-1413S-195 000056P001-1413S-195 000054P001-1413S-195 000064P002-1413S-195 TROUTMAN SANDERS TROUTMAN SANDERS LLP TROUTMAN SANDERS LLP TURNER LAW FIRM LLC ALISSA PICCIONE DAVID A PISCIOTTA, ESO LOUIS A CURCIO, ESO ANDREW R TURNER.ESO 875 THIRD AVENUE 875 THIRD AVENUE 875 THIRD AVENUE 76 SOUTH ORANGE AVE STE 106 NEW YORK NY 10022 NEW YORK NY 10022 NEW YORK NY 10022 SOUTH ORANGE NJ 07079 000002P001-1413S-195 000097P002-1413S-195 000001P001-1413S-195 000105P002-1413S-195 UNITED STATES ATTORNEY UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES TRUSTEE UPDIKE KELLY & SPELLACY PC DISTRICT OF NEW JERSEY PETER J. D'AURIA.ESO: MITCHELL HAUSMAN ONE NEWARK CENTER, SUITE 2100 EVAN S GOLDSTEIN, ESO PETER RODINO FEDERAL BUILDING OFFICE OF THE UNITED STATES TRUSTEE 1085 RAYMOND BOULEVARD 100 PEARL ST., 17TH FL

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000057P001-1413S-195 WASSERMAN JURISTA & STOLZ PC DANIEL M STOLZ,ESQ 110 ALLEN ROAD STE 304 BASKING RIDGE NJ 07920 000058P001-1413S-195 WASSERMAN JURISTA & STOLZ PC DONALD W CLARKE,ESQ 110 ALLEN ROAD STE 304 BASKING RIDGE NJ 07920 000021P003-1413S-195 WHITEFORD TAYLOR PRESTON LLP PAUL M NUSSBAUM 7 SAINT PAUL STREET BALTIMORE MD 21202-1636

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